

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**AMISUB (SFH), INC. d/b/a)
 SAINT FRANCIS HOSPITAL and)
 SAINT FRANCIS HOSPITAL –)
 BARTLETT INC.,)**

Plaintiffs,

V.

Case No. 2:21-cv-02308-JTF-atc

**CIGNA HEALTH AND LIFE
INSURANCE COMPANY,**

Defendant.

AMENDED SCHEDULING ORDER

Upon consideration of the parties' Joint Motion to Extend Case Management Deadlines (ECF No. 76.), it is hereby **ORDERED** that the Motion is **GRANTED**, and that the Court's prior Scheduling Order (ECF No. 59) is amended as follows:

CONSENT TO TRIAL BEFORE THE MAGISTRATE JUDGE: The parties do not consent to trial before the Magistrate Judge.

INITIAL DISCLOSURES PURSUANT TO Fed. R. Civ. P. 26(a)(1): October 1, 2021

**SUBMISSION OF A PROTECTIVE ORDER AND ESI
PROTOCOL:** September 17, 2021

MOTIONS TO JOIN PARTIES: October 18, 2021

MOTIONS TO AMEND PLEADINGS: October 18, 2021

MOTIONS TO DISMISS: November 19, 2021
(to the extent an amended complaint is filed by October 20, 2021)

DEADLINE FOR PLAINTIFFS TO PROVIDE FINAL CLAIMS LISTING (WITH DATES OF SERVICE THROUGH JUNE 30, 2021):

November 30, 2021

DEADLINE FOR PARTIES TO CONFER AND REACH AGREEMENT ON FINAL LIST OF CLAIMS WITHOUT DENIALS (WHETHER IN WHOLE OR IN PART):

January 14, 2022

DEADLINE FOR PARTIES TO CONFER AND AGREE ON SAMPLED CLAIMS FOR CLAIMS FILE EXCHANGE (ALL INPATIENT CLAIMS, ALONG WITH THE GREATER OF (1) 100 OUTPATIENT CLAIMS OR (2) THE TOTAL NUMBER OF OUTPATIENT CLAIMS WITH (a) MORE THAN ONE DAY LENGTH OF STAY AND (b) GREATER THAN \$30,000 DIFFERENCE BETWEEN AMOUNT BILLED AND AMOUNT ALLOWED):

January 14, 2022

COMPLETING ALL DISCOVERY: Plaintiffs' complaint alleges three causes of action based on their theory that Cigna allegedly underpaid "thousands" of Plaintiffs' individual insurance claims. At Cigna's request, on September 9, 2021, Plaintiffs disclosed over 4,200 claims allegedly at issue in this case, and have requested until November 30, 2021 to assert additional claims. Given that discovery will involve pulling claim file records related to hundreds of those claims from multiple difference sources, the parties agree that the deadline for completing all discovery shall be March 16, 2023. In accordance with that schedule, the parties have met and conferred and propose the following discovery deadlines:

(a) DEADLINE FOR INITIAL SET OF REQUESTS FOR PRODUCTION AND INTERROGATORIES:

October 12, 2021

(b) DEADLINE TO SERVE ALL SUPPLEMENTAL REQUESTS FOR PRODUCTION AND INTERROGATORIES:

June 30, 2022

(c) DEADLINE TO COMPLETE DOCUMENT PRODUCTION:

September 30, 2022

(d) DEADLINE TO COMPLETE FACT WITNESS DEPOSITIONS:

March 16, 2023

EXPERT WITNESS DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(a)(2):

(a) DEADLINE TO DISCLOSE PLAINTIFF'S (OR PARTY WITH BURDEN OF PROOF'S) RULE 26(a)(2) EXPERT INFORMATION:

January 12, 2023

**(b) DEADLINE TO DISCLOSE DEFENDANT'S
(OR OPPOSING PARTY'S) RULE (a)(2) EXPERT
INFORMATION:**

February 16, 2023

**(c) DEADLINE TO COMPLETE EXPERT WITNESS
DEPOSITIONS:**

March 16, 2023

MOTIONS TO EXCLUDE EXPERTS UNDER F.R.E 702:

April 14, 2023

FILING DISPOSITIVE MOTIONS:

May 18, 2023

MEDIATION: The parties are ordered to engage in ADR by March 9, 2023. Pursuant to Local Rule 16.2(d), within 7 days of completion of ADR, the parties shall file a notice confirming that the ADR was conducted and indicating whether it was successful or unsuccessful, without disclosing the parties' respective positions at the ADR.

All other pretrial deadlines, procedures, and directives to the parties set forth in the Court's original Scheduling Order shall remain in full force and effect.

IT IS SO ORDERED this 27th day of September, 2022.

s/John T. Fowlkes, Jr.

JOHN T. FOWLKES, JR.

UNITED STATES DISTRICT JUDGE